



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2010 REGULAR SESSION

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HOUSE BILL NO. 152

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WEDNESDAY, FEBRUARY 10, 2010

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The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adles

AN ACT relating to elections.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1        ➔Section 1. KRS 116.055 is amended to read as follows:

2        Before a person shall be qualified to vote in a primary election, he shall possess all the  
3        qualifications required of voters in a regular election. In addition, he shall be a registered  
4        member of the party in whose primary election he seeks to vote, and shall have been  
5        registered as a member of that party on December 31 immediately preceding the primary  
6        election, or, in the case of new registrations made after December 31 immediately  
7        preceding the primary election, he shall have registered and remained registered as a  
8        member of that party. No person shall be allowed to vote for any party candidates or  
9        slates of candidates other than that of the party of which he is a registered member. The  
10       qualifications shall be determined as of the date of the primary, without regard to the  
11       qualifications or disqualifications as they may exist at the succeeding regular election,  
12       except that minors seventeen (17) years of age who will become eighteen (18) years of  
13       age on or before the day of the regular election shall be entitled to vote in the primary if  
14       otherwise qualified. However, any registered voter, whether registered as a member of a  
15       party, political organization, political group, or as an independent, shall be qualified to  
16       vote in primary elections for candidates listed in all nonpartisan races.

17       ➔Section 2. KRS 117.035 is amended to read as follows:

18       (1) There shall be a county board of elections, which shall, at the direction and under  
19       the supervision of the State Board of Elections, administer the election laws and the  
20       registration and purgation of voters within the county.

21       (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members  
22       appointed by the State Board of Elections not later than July 1 following the  
23       election of persons to statewide office, for a term of four (4) years and until  
24       their successors are appointed. ~~The first board shall be appointed within one~~  
25       ~~(1) month following December 1, 1972, and serve until successors are~~

1       ~~appointed in April, 1976.~~

2       (b) The sheriff shall not serve on the board during any year in which he is a  
3       candidate, but shall recommend to the board a temporary replacement to serve  
4       in his place~~[, subject to approval by the board].~~ *If the sheriff cannot serve*  
5       *because he is sick, injured, or otherwise incapacitated, he may recommend*  
6       *a temporary replacement to serve in his place until the sheriff may resume*  
7       *his duties or a vacancy in office is declared.*

8       (c) The county clerk may, at his option, continue to serve on the board during a  
9       year in which he is a candidate. If the clerk elects not to serve, he shall  
10      recommend a temporary replacement to serve in his place~~[, subject to~~  
11      ~~approval by the board].~~ *If the county clerk cannot serve because he is sick,*  
12      *injured, or otherwise incapacitated, he may recommend a temporary*  
13      *replacement to serve in his place until the county clerk may resume his*  
14      *duties or a vacancy in office is declared.*

15      (d)~~[If the board rejects a replacement recommended by the sheriff or the county~~  
16      ~~clerk under paragraph (b) or (c) of this subsection, a new name shall be~~  
17      ~~recommended until a temporary appointment is approved by the board.~~

18      (e) 1. Notwithstanding the provisions of KRS 61.080, service on the board of  
19      elections shall be compatible with the holding of any other county or city  
20      office;~~[-]~~

21      2. The members shall be at least twenty-one (21) years of age, qualified  
22      voters in the county from which they are appointed, and shall not have  
23      been convicted of any election law offense;~~[-]~~

24      3. One (1) member shall be appointed from a list of five (5) names  
25      submitted by the county executive committee of each *political party as*  
26      *defined in KRS 118.015*~~[of the two (2) political parties that polled the~~  
27      ~~largest number of votes in the state at the last preceding election for~~

~~presidential electors~~]. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chairman of the state central committee of the political party shall be the one authorized to submit the lists;[-]

**4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 following the election of persons to statewide office or within two (2) months of a vacancy;**

**5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September following the election of persons to statewide office or within three (3) months of a vacancy;**

**6. A member appointed by the State Board of Elections**~~[Appointees]~~ may be removed by the State Board of Elections for cause;[-]

**7. A member appointed by the State Board of Elections may be removed by the State Board of Elections** upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of

**Elections removes any member appointed by the State Board of Elections;**

**8.** If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he is able to resume his term.~~[-]~~

**9.** A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy; **and**~~[-]~~

**10.** Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his predecessor.

**(e)**~~[(f)]~~ Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.

(3) A majority of the board shall constitute a quorum. The county clerk shall serve as chairman of the meetings and may vote. In case of a tie, the chairman may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.

(4) The board shall meet at least once a month and may meet more frequently if necessary. The board shall stay in session on election days to correct clerical errors

1 and rule on questions regarding voter registration and may make to the election  
2 officers such certifications as may be necessary. On election days, appeals may be  
3 made to a Circuit Judge, but a ruling of the board shall be reversed only upon a  
4 finding that it was arbitrary and capricious.

- 5 (5) In counties containing cities of the first and second class, the board may employ, on  
6 a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

7 ➔Section 3. KRS 117.045 is amended to read as follows:

- 8 (1) The county board of elections shall in the manner prescribed by this section, not  
9 later than March 20 each year, except in a year in which no primary and regular  
10 elections are scheduled, appoint for each precinct in the county two (2) judges, one  
11 (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the  
12 county during the year, except for minors seventeen (17) years of age who will  
13 become eighteen (18) years of age on or before the day of the regular election who  
14 may only serve as election officers for the primary and regular elections as provided  
15 in subsection (9) of this section. If a special election is ordered to be held in a year  
16 in which no elections are scheduled, the county executive committee of each  
17 political party in each county in the territory affected by the special election shall,  
18 not later than twenty-eight (28) days preceding the date of the special election,  
19 submit a written list of nominees for precinct election officers to serve in the special  
20 election in a manner consistent with the provisions of subsection (2) of this section.  
21 The county board of elections in each county in the territory affected by the special  
22 election shall, not later than twenty-one (21) days preceding the date of the special  
23 election, appoint precinct election officers to serve in the special election in a  
24 manner consistent with the provisions of subsections (4), (5), and (6) of this section.  
25 The State Board of Elections shall promulgate an administrative regulation  
26 establishing evaluation procedures which county boards of elections may use to  
27 qualify persons nominated to serve as precinct election officers.

- 1 (2) The county executive committees of the two (2) political parties having  
2 representation on the State Board of Elections may, on or before March 15 each  
3 year, designate in writing to the county board of elections a list of not less than four  
4 (4) names for each precinct; except that, in any precinct where there are not as many  
5 as four (4) persons possessing the qualifications of an election officer belonging to  
6 the political party filing the list, a lesser number may be designated. If there are two  
7 (2) or more contending executive committees of the same party in any county, the  
8 one recognized by the written certificate of the chairman of the state central  
9 committee of the party shall be the one authorized to submit the lists. The lists shall  
10 contain the full name, address, phone number, and Social Security number, if  
11 available, of each person listed. The lists shall be accompanied by a signed  
12 statement from each person stating that he is willing to serve, has not failed to serve  
13 without excuse in the past, and has not been convicted of an election law offense or  
14 any felony, unless the person's civil rights have been restored by the Governor. The  
15 State Board of Elections shall prescribe by administrative regulation the form of the  
16 list.
- 17 (3) The Attorney General shall notify each party state central committee of the duties of  
18 the party.
- 19 (4) If lists are submitted, the county board of elections shall select one (1) judge at each  
20 voting place from each political party's list, and the county board shall select the  
21 sheriff from one (1) political party's list and the clerk from the other. If no lists are  
22 submitted, the two (2) members of the county board of elections who are appointed  
23 by the State Board of Elections may submit lists; and the county board shall select  
24 the sheriff and one (1) judge from one (1) list and the clerk and the other judge from  
25 the remaining list. If no lists are submitted, the county board shall select the sheriff  
26 and one (1) judge from the membership of one (1) party and the clerk and the other  
27 judge from the membership of the remaining party. The county board shall, when

1 possible, also appoint an adequate number of alternate precinct election officers  
2 from names on the lists which were submitted but which were not selected by the  
3 county board as precinct election officers. If alternate precinct election officers are  
4 not appointed from the lists of nominees who were not selected as precinct election  
5 officers, the county board of elections shall submit its method of selecting alternate  
6 precinct election officers to the State Board of Elections for its approval.

7 (5) If, after all reasonable efforts have been made, the county board of elections is  
8 unable to find two (2) qualified officers for each precinct who are affiliated with the  
9 two (2) political parties having representation on the State Board of Elections, the  
10 county board shall submit a list of emergency election officer appointments to the  
11 State Board of Elections. The county board shall also present, in writing, its efforts  
12 to recruit and appoint election officers as prescribed in subsection (4) of this  
13 section. The list of emergency appointments may include qualified voters not  
14 affiliated with the two (2) parties represented on the state board. The state board,  
15 after its review, may approve any or all of the emergency appointments submitted  
16 by the county board or may direct the county board to take other action. Any  
17 emergency appointment shall be made for the next ensuing election only.

18 (6) In addition to precinct election officers appointed under subsection (1) of this  
19 section, a county board of elections may appoint up to two (2) additional precinct  
20 election officers per precinct with the approval of the State Board of Elections. The  
21 state board shall promulgate an administrative regulation establishing conditions  
22 under which additional precinct officers may be approved.

23 (7) The county board of elections shall, not less than~~within~~ ten (10) days before the  
24 next ensuing election, send to~~give~~ each election officer written notice of his  
25 appointment. The board may direct the sheriff of the county to serve the notice of  
26 appointment, if it deems the action is necessary.

27 (8) The State Board of Elections may require the county board of elections to submit its



1 list of precinct officers for review. The State Board of Elections may, after a  
 2 hearing, direct the removal of any election officer who the board finds would not  
 3 fairly administer the state election laws. The state board shall replace any officer so  
 4 removed. The board shall provide for the method and manner of the hearing by  
 5 administrative regulation.

- 6 (9) An election officer shall be a qualified voter of the precinct; except that, where no  
 7 qualified voter of the required political party is available within the precinct, the  
 8 election officer shall be a qualified voter of the county. A minor seventeen (17)  
 9 years of age who will become eighteen (18) years of age on or before the day of the  
 10 regular election may serve as an election officer for the primary and regular  
 11 elections in which he or she is qualified to vote; however, no precinct shall have  
 12 more than one (1) person serving as an election officer who is a minor seventeen  
 13 (17) years of age. An election officer shall not be a candidate for office during the  
 14 election year. An election officer shall not be~~or~~ the spouse, parent, brother, sister,  
 15 or child of a candidate who is to be voted for at the election in the precinct in  
 16 which the election officer will serve on election day. An election officer shall not  
 17 have changed his voter registration party affiliation for one (1) year prior to his  
 18 appointment. An election officer may be removed, for cause, at any time up to five  
 19 (5) days before an election. Vacancies shall be filled by the county board with  
 20 alternate precinct election officers and the person appointed to fill the vacancy shall  
 21 be of the same political party as the vacating officer, except for emergency  
 22 appointments made as provided in subsection (5) of this section.
- 23 (10) If the county board of elections fails to appoint election officers, or if any officer is  
 24 not present at the precinct at the time for commencing the election, or refuses to act,  
 25 and if no alternate is available, the officer in attendance representing the political  
 26 party of the absentee shall appoint a suitable person to act in his place for that  
 27 election. If both representatives of the same political party are absent, qualified

1 voters present affiliating with that party shall elect, viva voce, suitable persons to  
 2 act in their places.

3 (11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day  
 4 served, and such an additional amount as compensation as may be determined by  
 5 the county board of elections, with the approval of the governing body which would  
 6 be responsible for funding the election officers' pay, for each election in which the  
 7 election officer serves, to be paid by the county. For delivering the election packets  
 8 to the polls, the precinct election officers shall receive in addition the mileage  
 9 reimbursement provided for state employees, for each mile necessarily traveled in  
 10 the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that  
 11 amount. For delivering election returns, the precinct election judges shall receive in  
 12 addition the mileage reimbursement provided for state employees for each mile  
 13 necessarily traveled from the place of voting to and from the place of delivery, or a  
 14 flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election  
 15 judges for delivering election returns shall be paid by the county.

16 ➔Section 4. KRS 117.075 is amended to read as follows:

17 (1) Any qualified voter who has not been declared mentally disabled by a court of  
 18 competent jurisdiction, and who, on account of age, disability or illness, is not able  
 19 to appear at the polls on election day may vote in the following manner. At least  
 20 seven (7) days prior to the date of the election and prior to the close of normal  
 21 business hours, he shall present to the clerk by mail or in person his application for  
 22 an absentee ballot containing a verified statement that his inability to appear is due  
 23 to age, disability, or illness. The request for the application may be made by  
 24 telephone, facsimile machine, mail, or in person. Within three (3) days of receipt of  
 25 the request, the clerk shall~~Upon receipt of the application, the clerk shall~~  
 26 ~~immediately~~ mail to the voter an absentee ballot and envelopes, and the voter shall  
 27 cast his vote in accordance with KRS 117.086. The ballot shall be returned by the

1 voter to the county clerk by mail.

2 (2) Ballots furnished pursuant to the provisions of this section shall include the names  
3 of all candidates for which the voter is entitled to vote.

4 ➔Section 5. KRS 117.085 is amended to read as follows:

5 (1) All requests for an application for an absentee ballot may be transmitted by  
6 telephone, facsimile machine, by mail, by electronic mail, or in person. Except as  
7 provided in paragraph (b) of this subsection, all applications for an absentee ballot  
8 shall be transmitted only by mail to the voter or in person at the option of the voter,  
9 except that the county clerk shall hand an application for an absentee ballot to a  
10 voter permitted to vote by absentee ballot who appears in person to request the  
11 application, or shall mail the application to a voter permitted to vote by absentee  
12 ballot who requests the application by telephone, facsimile machine, or mail. The  
13 absentee ballot application may be requested by the voter or the spouse, parents,  
14 or children of the voter, but shall be restricted to the use of the voter. Except for  
15 qualified voters who apply pursuant to the requirements of KRS 117.075 and  
16 117.077, those who are incarcerated in jail but have yet to be convicted, military  
17 personnel confined to a military base on election day, and persons who qualify  
18 under~~subparagraph 6. of~~ paragraph (a)7. of this subsection,~~no~~ absentee ballots  
19 shall ***not*** be mailed to a ***voter's residential address located in***~~voter who resides~~  
20 ~~within~~ the county in which the voter is registered. In the case of ballots returned by  
21 mail, the county clerk shall provide an absentee ballot, two (2) official envelopes for  
22 returning the ballot, and instructions for voting to a voter who presents a completed  
23 application for an absentee ballot as provided in this section and who is properly  
24 registered as stated in his or her application.

25 (a) The following voters may apply to cast their votes by mail-in absentee ballot  
26 if the application is received not later than the close of business hours seven  
27 (7) days before the election:

1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
  2. Voters who are residents of Kentucky who are members of the Armed Forces, dependents of members of the Armed Forces, and citizens residing overseas;
  3. Voters who are students who temporarily reside outside the county of their residence~~[and other voters who temporarily reside outside the state but who are still eligible to vote in this state];~~
  4. Voters~~Persons~~ who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime;
  5. Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast an absentee ballot for electors for President and Vice President of the United States only;~~[and]~~
  6. Voters who temporarily reside outside the state but who are still eligible to vote in this state; and
  7. Voters~~Persons~~ who are prevented from voting in person at the polls on election day and from casting an absentee ballot in person in the county clerk's office on all days absentee voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days absentee voting is conducted in the county clerk's office.
- (b) Residents of Kentucky who are members of the Armed Forces, dependents of members of the Armed Forces, and overseas citizens, may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail or by facsimile machine. The application may be used to register, reregister, and to apply for an absentee

1 ballot. If the federal post-card application is received at any time not less than  
 2 seven (7) days before the election, the county clerk shall affix his or her seal to  
 3 the application form upon receipt.

4 (c) Absentee voting shall be conducted in the county clerk's office or other place  
 5 designated by the county board of elections and approved by the State Board  
 6 of Elections during normal business hours for at least the twelve (12) working  
 7 days before the election. A county board of elections may permit absentee  
 8 voting to be conducted on a voting machine for a period longer than the  
 9 twelve (12) working days before the election.

10 (d) Any qualified voter in the county who is not permitted to vote by absentee  
 11 ballot under paragraph (a) of this subsection~~[(1) of this section]~~ who  
 12 will~~shall~~ be absent from the county on any election day may, at any time  
 13 during normal business hours on those days absentee voting is conducted in  
 14 the county clerk's office, make application in person to the county clerk to  
 15 vote on a voting machine in the county clerk's office or other place designated  
 16 by the county board of elections and approved by the State Board of Elections.

17 (e) The following voters may, at any time during normal business hours on  
 18 those days absentee voting is conducted in the county clerk's office, make  
 19 application in person to the county clerk to vote on a voting machine in the  
 20 county clerk's office or other place designated by the county board of  
 21 elections and approved by the State Board of Elections:

22 1. Voters who are residents of Kentucky who are members of the Armed  
 23 Forces, dependents of members of the Armed Forces, and citizens  
 24 residing overseas, who will~~shall~~ be absent from the county on any  
 25 election day;~~may, at any time during normal business hours on those~~  
 26 ~~days absentee voting is conducted in the county clerk's office, make~~  
 27 ~~application in person to the county clerk to vote on a voting machine in~~

the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.}]

**2.[(f)] Voters who are** students who temporarily reside outside the county of their residence; ~~and other voters who temporarily reside outside the state but who are still eligible to vote in this state who shall be absent from the county on any election day may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.}]~~

**3.[(g)]** Voters who have surgery scheduled that will require hospitalization on election day, and the spouse of the voter; ~~may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.}]~~

**4. Voters who temporarily reside outside the state but who are still eligible to vote in this state and who will be absent from the county on any election day;**

**5. Voters who are residents of Kentucky who are members of the Armed Forces confined to a military base on election day and who learn of that confinement within seven (7) days or less of an election and are not eligible for a paper absentee ballot under this subsection; and**

**6. A voter who is a pregnant woman in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application**

form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote.

~~(d)(h)~~ Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.

~~(g)(i)~~ Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while absentee voting is being conducted in the county, such officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. In case of such voters,

1 the verification of appointment shall also contain the date of appointment. The  
 2 applications shall be restricted to the use of the voter only.

3 ~~[(j)] Any pregnant woman who is in her last trimester of pregnancy at the time she~~  
 4 ~~wishes to vote under this paragraph may at any time during normal business~~  
 5 ~~hours on those days absentee voting is conducted in the county clerk's office,~~  
 6 ~~make application to vote on a voting machine in the county clerk's office or~~  
 7 ~~other place designated by the county board of elections, and approved by the~~  
 8 ~~State Board of Elections. The application form for those persons shall be~~  
 9 ~~prescribed by the State Board of Elections, which shall contain the woman's~~  
 10 ~~sworn statement that she is in fact in her last trimester of pregnancy at the time~~  
 11 ~~she wishes to vote.]~~

12 ~~[(h)]~~[(k)] The members of the county board of elections or their designees who  
 13 provide equal representation of both political parties may serve as precinct  
 14 election officers, without compensation, for all absentee voting performed on  
 15 a voting machine in the county clerk's office or other place designated by the  
 16 county board of elections and approved by the State Board of Elections. If the  
 17 members of the county board of elections or their designees serve as precinct  
 18 election officers for the absentee voting, they shall perform the same duties  
 19 and exercise the same authority as precinct election officers who serve on the  
 20 day of an election. If the members of the county board of elections or their  
 21 designees do not serve as precinct election officers for the absentee voting, the  
 22 county clerk or deputy county clerks shall supervise the absentee voting.

23 ~~[(i)]~~[(4)] Any individual qualified to appoint challengers for the day of an election  
 24 may also appoint challengers to observe all absentee voting performed at the  
 25 county clerk's office or other place designated by the county board of  
 26 elections, and approved by the State Board of Elections, and those challengers  
 27 may exercise the same privileges as challengers appointed for observing



1 voting on the day of an election at a regular polling place.

2 ~~{(m) Residents of Kentucky who are members of the Armed Forces confined to a~~  
 3 ~~military base on election day and learn of that confinement within seven (7)~~  
 4 ~~days or less of an election and are not eligible for a paper absentee ballot~~  
 5 ~~under subsection (1) of this section may, at any time during normal business~~  
 6 ~~hours on those days absentee voting is conducted in the county clerk's office,~~  
 7 ~~make application in person to the county clerk to vote on a voting machine in~~  
 8 ~~the county clerk's office or other place designated by the county board of~~  
 9 ~~elections and approved by the State Board of Elections.]~~

10 (2) The clerk shall type the name of the voter permitted to vote by absentee ballot on  
 11 the application form for that person's use and no other. The absentee ballot  
 12 application form shall be in the form prescribed by the State Board of Elections,  
 13 shall bear the seal of the county clerk, and shall contain the following information:  
 14 name, residential address, precinct, party affiliation, statement of the reason the  
 15 person cannot vote in person on election day, statement of where the voter shall be  
 16 on election day, statement of compliance with residency requirements for voting in  
 17 the precinct, and the voter's mailing address for an absentee ballot. The form shall  
 18 be verified and signed by the voter. A notice of the actual penalty provisions in KRS  
 19 117.995(2) and (5) shall be printed on the application.

20 (3) If the county clerk finds that the voter is properly registered as stated in his or her  
 21 application and qualifies to receive an absentee ballot by mail, he or she shall mail  
 22 to the voter an absentee ballot, two (2) official envelopes for returning the ballot,  
 23 and instructions for voting. The county clerk shall complete a postal form for a  
 24 certificate of mailing for ballots mailed within the fifty (50) states, and it shall be  
 25 stamped by the postal service when the ballots are mailed. An absentee ballot may  
 26 be transmitted by facsimile machine to a resident of Kentucky who is a member of  
 27 the Armed Forces, a dependent of a member of the Armed Forces, or a citizen

1       residing overseas.

2       (4) Absentee ballots which are requested prior to the printing of the ballots shall be  
3       mailed by the county clerk to the voter within three (3) days of the receipt of the  
4       printed ballots; and absentee ballots which are requested subsequent to the receipt  
5       of the ballots by the county clerk shall be mailed to the voter within three (3) days  
6       of the receipt of the request.

7       (5) The clerk shall cause ballots to be printed fifty (50) days prior to each primary or  
8       general election.

9       (6) The outer envelope shall bear the words "Absentee Ballot" and the address and  
10       official title of the county clerk and shall provide space for the voter's signature,  
11       voting address, precinct number, and signatures of two (2) witnesses if the voter  
12       signs the form with the use of a mark instead of the voter's signature. A detachable  
13       flap on the inner envelope shall provide space for the voter's signature, voting  
14       address, precinct number, signatures of two (2) witnesses if the voter signs the form  
15       with the use of a mark instead of the voter's signature and notice of penalty provided  
16       in KRS 117.995(5). The clerk shall type the voter's address and precinct number in  
17       the upper left hand corner of the outer envelope and of the detachable flap on the  
18       inner envelope immediately below the blank space for the voter's signature. The  
19       inner envelope shall be blank. The clerk shall retain the application and the postal  
20       form required by subsection (3) of this section for twenty-two (22) months after the  
21       election.

22       (7) Any person who has received an absentee ballot by mail but who knows at least  
23       seven (7) days before the date of the election that he or she will be in the county on  
24       election day and who has not voted pursuant to the provisions of KRS 117.086 shall  
25       cancel his or her absentee ballot and vote in person. The voter shall return the  
26       absentee ballot to the county clerk's office no later than seven (7) days prior to the  
27       date of the election. Upon the return of the absentee ballot, the clerk shall mark on

1 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled  
2 because voter appeared to vote in person." Sealed envelopes so marked shall not be  
3 opened. The clerk shall remove the voter's name from the list of persons who were  
4 sent absentee ballots, and the voter may vote in the precinct in which he or she is  
5 properly registered.

6 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
7 mail-in ballot within a reasonable amount of time shall contact the county clerk,  
8 who shall reissue a second ballot. The county clerk shall keep a record of the  
9 absentee ballots issued and returned by mail, and the absentee voting that is  
10 performed on the voting machine in the county clerk's office or other place  
11 designated by the county board of elections and approved by the State Board of  
12 Elections, to verify that only the first voted ballot to be returned by the voter is  
13 counted. Upon the return of any ballot after the first ballot is returned, the clerk  
14 shall mark on the outer envelope of the sealed ballot the words "Canceled because  
15 ballot reissued."

16 (9) Any member of the military who has received an absentee ballot by mail but who  
17 knows that he or she will be in the county on election day and who has not voted  
18 pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot  
19 and vote in person. The voter shall return the absentee ballot to the county clerk's  
20 office on or before election day. Upon the return of the absentee ballot, the clerk  
21 shall mark on the outer envelope of the sealed ballot or the unmarked ballot the  
22 words "Canceled because voter appeared to vote in person." Sealed envelopes so  
23 marked shall not be opened. The clerk shall remove the voter's name from the list of  
24 persons who were sent absentee ballots, provide the voter with written authorization  
25 to vote at the precinct, and the voter may vote in the precinct in which he or she is  
26 properly registered.

27 ➔Section 6. KRS 117.187 is amended to read as follows:

- 1 (1) The State Board of Elections shall regularly provide special training regarding the  
2 election laws and methods of enforcement to all members of county boards of  
3 elections, county attorneys, Commonwealth's attorneys, and certain members of the  
4 Department of Kentucky State Police.
- 5 (2) The county board of elections shall provide special training before each primary and  
6 regular election, and any special election held during a year in which no elections  
7 are scheduled, to all election officers, alternates, and certified challengers regarding  
8 their duties and the penalties for failure to perform. Election officers, including  
9 alternates, and certified challengers shall attend the training session, unless excused  
10 by the county board of elections for reason of illness or other emergency. Any  
11 person who fails to attend a training session without being excused shall be  
12 prohibited from serving as an election officer or challenger for a period of five (5)  
13 years. The training provided by the county board of elections shall include but not  
14 be limited to the following:
- 15 (a) Operation of the voting machine or ballot cards;
  - 16 (b) Posting of necessary signs and notices at the polling place;
  - 17 (c) Voter assistance;
  - 18 (d) Maintaining precinct rosters;
  - 19 (e) Confirmation of a voter's identity;
  - 20 (f) Challenge of a voter;
  - 21 (g) Completing changes of address or name at the polling place;
  - 22 (h) Qualifications for voting in a primary election;
  - 23 (i) Electioneering and exit polling;
  - 24 (j) Write-in voting procedures;
  - 25 (k) Persons who may be in the voting room;
  - 26 (l) Election violations and penalties;
  - 27 (m) Assistance which may be provided by law enforcement officers;

- 1 (n) Election reports;
- 2 (o) Disability awareness;
- 3 (p) Provisional voting process;~~{and}~~
- 4 (q) Election emergency contingency plan; and
- 5 (r) Elections and voting equipment security plan.

6 (3) The county attorney shall attend the training session for election officers to assist in  
7 explaining the duties and penalties for failure to perform.

8 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of  
9 actual expenses shall be paid by the county to the election officers for attending the  
10 training session.

11 ➔Section 7. KRS 117.265 is amended to read as follows:

12 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
13 qualified as provided in subsection (2) or (3) of this section, whose name does not  
14 appear upon the ballot label~~{as a candidate}~~ for any office, by writing the name of  
15 his or her choice upon the appropriate device for the office being voted on provided  
16 on the voting machine as required by KRS 117.125. Any candidate for city office  
17 who is defeated in a partisan or nonpartisan primary shall be ineligible as a  
18 candidate for the same office in the regular election. Any voter utilizing an absentee  
19 ballot for a regular or special election may write in a vote for any eligible person  
20 whose name does not appear upon the ballot, by writing the name of his or her  
21 choice under the office.

22 (2) Write-in votes shall be counted only for candidates for election to office who have  
23 filed a declaration of intent to be a write-in candidate with the Secretary of State or  
24 county clerk, depending on the office being sought, on or before the fourth Friday in  
25 October preceding the date of the regular election and not later than the second  
26 Friday before~~{less than ten (10) days preceding}~~ the date of a special election. The  
27 declaration of intent shall be filed no earlier than the first Wednesday after the

1 **first Monday in November of the year preceding the year the office will appear on**  
 2 **the ballot, and no** later than 4 p.m. local time at the place of filing when filed on the  
 3 last date on which papers may be filed. The declaration of intent shall be on a form  
 4 prescribed by the Secretary of State.

5 (3) A person shall not be eligible as a write-in candidate:

6 (a) For more than one (1) office in a regular or special election; or

7 (b) If his or her name appears upon the ballot label ~~{as a candidate}~~ for any office,  
 8 except that the candidate may file a notice of withdrawal prior to filing an  
 9 intent to be a write-in candidate for office when a vacancy in a different office  
 10 occurs because of:

11 1. Death;

12 2. Disqualification to hold the office sought;

13 3. Severe disabling condition which arose after the nomination; or

14 4. The nomination of an unopposed candidate.

15 (4) Persons who wish to run for President and Vice-President shall file a declaration of  
 16 intent to be a write-in candidate, along with a list of presidential electors pledged to  
 17 those candidates, with the Secretary of State on or before the fourth Friday in  
 18 October preceding the date of the regular election for those offices. The declaration  
 19 of intent shall be filed no **earlier than the first Wednesday after the first Monday**  
 20 **in November of the year preceding the year the office will appear on the ballot,**  
 21 **and no** later than 4 p.m. local time at the place of filing when filed on the last date  
 22 on which papers may be filed. Write-in votes cast for the candidates whose names  
 23 appear on the ballot shall apply to the slate of pledged presidential electors, whose  
 24 names shall not appear on the ballot.

25 (5) The county clerk shall provide to the precinct election officers certified lists of those  
 26 persons who have filed declarations of intent as provided in subsections (2) and (3)  
 27 of this section. Only write-in votes cast for qualified candidates shall be counted.

- 1 (6) Two (2) election officers of opposing parties shall upon the request of any voter  
2 instruct the voter on how to cast a write-in vote.

3 ➔Section 8. KRS 117.275 is amended to read as follows:

- 4 (1) At the count of the votes in any precinct, any candidate or slate of candidates and  
5 any representatives to witness and check the count of the votes therein, who are  
6 authorized to be appointed as is provided in subsection (6) of this section, shall be  
7 admitted and be permitted to be present and witness the count.
- 8 (2) As soon as the polls are closed, and the last voter has voted, the judges shall  
9 immediately lock and seal~~the operating lever, mechanism or other device of~~ the  
10 voting equipment so that the voting and counting mechanism will be prevented  
11 from operation, and they shall sign a certificate stating:
- 12 (a) That the voting equipment has been locked against voting and sealed;
- 13 (b) The number of voters, as shown on the public counters;
- 14 (c) The number registered on the protective or accumulative counter or device, if  
15 any; and
- 16 (d) The number or other designation of the voting equipment, which certificate  
17 shall be returned by the judges of election to the officials authorized by law to  
18 receive it. The judges shall compare the number of voters, as shown by the  
19 counter of the voting equipment, with the number of those who have voted as  
20 shown by the protective or accumulative counter or device, if any.
- 21 (3) Where voting equipment is used which does not print the candidates' names along  
22 with the~~and~~ total votes received on a general return sheet or record for that  
23 equipment, the procedure to be followed shall be as follows:
- 24 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
25 of this section, if any, and of all other persons who may be lawfully within the  
26 polling place, shall give~~make visible the registering counters, and, for that~~  
27 ~~purpose, shall unlock and open the doors, or other covering concealing the~~

counters, giving] full view of all the counter numbers;[. The judges shall, under the scrutiny of the representatives, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the results as shown by the counter numbers for each candidate or slate of candidates and for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on quadruplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the election officers.]

**(b) The judges shall enter, in ink,** the total votes cast for each candidate, and slate of candidates, and for and against each question[, shall be entered] on the [general and quadruplicate] return sheets; **and**

**(c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door**[ and statement. The proclamation of the result of the votes cast shall be announced distinctly and audibly by one (1) of the judges, who shall read the name and the vote cast for each candidate, and slate of candidates, and the vote for and against each question submitted. During the proclamation, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the voting equipment, and any necessary corrections shall be made by the judges, and the door or other cover of the voting equipment shall then be closed and locked].

**(4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment,**



1 which shall be posted on the door of the precinct.

2 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason  
3 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
4 return sheets.

5 (6) Each of the return sheets, if applicable, and the record of the voting equipment  
6 shall be enclosed in an envelope~~[- which shall be securely sealed, and each of the~~  
7 ~~officers shall write his or her name across the fold of the envelope]~~. One (1) copy of  
8 the ~~{quadruplicate}~~ return sheets, if applicable, one (1) copy of the record of the  
9 voting equipment,~~[along with the general return sheet]~~ and the write-in roll, if any  
10 write-in votes were cast in the precinct, shall be directed to the county board of  
11 elections of the county in which the election is being held. One (1) copy of the  
12 return sheets or record of the voting equipment shall be given~~[- one (1)]~~ to the  
13 county clerk of the county in which the election is being held and to each of~~one (1)~~  
14 ~~to~~ the local governing bodies~~[body of each]~~ of the two (2) dominant political  
15 parties, but a local governing body of a dominant political party may decline a copy  
16 of the precinct election return by filing a written declination with the county board  
17 of elections prior to the election, and upon this declination, a printed copy shall not  
18 be issued to the political party so declining. The declination on file shall be effective  
19 for that election and any subsequent elections until revoked by the local governing  
20 body of a dominant political party by filing a written revocation with the county  
21 board of elections. The envelope shall have endorsed thereon a certificate of the  
22 election officers, stating the number of the machine, the precinct where it has been  
23 used, the number on the seal, and the number on the protective or accumulative  
24 counter or device at the close of the polls.

25 (7) Following the tabulation of all votes cast in the election, including absentee votes  
26 and write-in votes, the county board shall mail a copy of the precinct by precinct  
27 summary of the tabulation sheets showing the results from each precinct to the

1 State Board of Elections and the county clerk shall mail or deliver the precinct  
 2 signature rosters~~[lists]~~ from each precinct to the State Board of Elections during  
 3 the period established by KRS 117.355(3).

4 ~~(8)~~~~[(5)]~~ As soon as possible after the completion of the count, the two (2) judges shall  
 5 return to the county board of elections the keys to the voting machine received and  
 6 receipted for by them, and the county clerk in which the precinct is located shall  
 7 have the voting machine properly boxed or securely covered and removed to a  
 8 proper and secure place of storage.

9 ~~(9)~~~~[(6)]~~ In primaries, each candidate, slate of candidates, or group of candidates may  
 10 designate to the county board of elections a representative to witness and check the  
 11 vote count. In regular elections, the governing authority of each political party, each  
 12 candidate for member of board of education, nonpartisan candidate, independent  
 13 candidate, or independent ticket may designate a representative to the county board  
 14 of elections to witness and check the vote count. The county board of elections shall  
 15 authorize representatives of the news media to witness the vote count.

16 ~~(10)~~~~[(7)]~~ If supplemental paper ballots have been approved, as provided in KRS  
 17 118.215, after the polls are closed, the ~~{precinct election officials shall stamp~~  
 18 ~~"Unused" on all supplemental paper ballots not used. The election officers shall~~  
 19 ~~string all used ballots' stubs upon a string provided for that purpose, and the stubs~~  
 20 ~~shall be placed in an envelope. The }~~two (2) judges shall return to the county clerk's  
 21 office the locked ballot box, all ballot stubs, spoiled ballots, and unvoted~~[unused]~~  
 22 ballots at the same time as the tabulation of votes from the voting machine is  
 23 delivered. The county clerk shall issue a receipt for the number of ballot stubs,  
 24 unvoted~~[unused]~~ ballots, spoiled ballots and the ballot box.

25 (11) The county board of elections, or its designee, shall count and tally the paper ballots  
 26 manually or with the use of tabulating equipment which does not involve an  
 27 additional voting system. The results of the vote tally shall be certified by the

1 county board of elections to the county clerk and to the Secretary of State.

2 **(12)** The county board of elections shall authorize the candidates, slates of candidates, or  
 3 their representatives, and representatives of the news media to be present during the  
 4 counting of the paper ballots.

5 **(13)** Except as otherwise required in this chapter that certain records and papers relating  
 6 to specified elections be retained for twenty-two (22) months, the county clerk shall  
 7 retain the **voted paper ballots for twenty-two (22) months and the unvoted** paper  
 8 ballots for sixty (60) days **after each election day**, after which time they shall be  
 9 destroyed in a manner to render them unreadable by the county board of elections if  
 10 no contest or recount action has been filed.

11 ➔Section 9. KRS 117.295 is amended to read as follows:

12 (1) For a period of ten (10) days following any primary election, and for a period of  
 13 thirty (30) days following any general or special election, the voting machine shall  
 14 remain locked against voting **and the ballot boxes containing all paper ballots**  
 15 **shall remain locked**, except that **the voting machines and the ballot boxes**~~[it]~~ may  
 16 be opened and all the data and figures therein examined, upon the order of any court  
 17 of competent jurisdiction, or judge thereof, or by direction of any legislative  
 18 committee authorized and empowered to investigate and report upon contested  
 19 elections~~[affected by the use of a voting machine]~~, and all the data and figures shall  
 20 be examined by the court, judge, or committee in the presence of the officer having  
 21 the custody of the machine **and ballot boxes**. In the event of a contest of election,  
 22 the court in which the contest is pending or the committee before which the contest  
 23 is being heard may, upon motion of any party to the contest, issue an order requiring  
 24 that the voting machines **and ballot boxes** shall remain continuously locked for  
 25 further time as may be reasonable or necessary, with due regard for the preparation  
 26 of the machines for a succeeding primary, regular, or special election, but in no  
 27 event shall the order compel that the machines remain locked to a time within thirty

1 (30) days next preceding any approaching primary, regular, or special election.

2 (2) During the period when the machine and the ballot boxes are~~is~~ required to be  
3 kept locked, the keys thereto shall remain in the possession of the county board of  
4 elections. After that period, it shall be the duty of the county board of elections to  
5 return the keys to the custody of the county clerk.

6 ➔Section 10. KRS 117.315 is amended to read as follows:

7 (1) Each political party is entitled to have not exceeding two (2) challengers at each  
8 precinct during the holding of the primary election. Any group of bona fide  
9 candidates, as defined in KRS 118.176, of the same political party equal to twenty-  
10 five percent (25%) of all the candidates for that party to be voted for in a county in  
11 any primary, including state, district, and all other candidates, may recommend to  
12 the county committee or governing authority of the party for the county a list of  
13 persons whom they desire to have appointed as challengers in each precinct in the  
14 county. If more than two (2) such lists are furnished, the committee or governing  
15 authority, in making appointments of challengers, shall alternate between the  
16 several lists so furnished so as to give to each list an equal amount or proportion of  
17 the appointments, but in no event shall there be appointed more than one (1)  
18 challenger for any precinct from any one (1) list. The list of challengers shall be  
19 presented to the chair or secretary of the party committee of the county on or before  
20 the third Friday in April preceding the primary, and the committee or the chairman  
21 thereof shall make the appointments, certify to same, and present a list of certified  
22 challengers to the county clerk at least twenty (20) days before the date on which  
23 the primary is held. The appointment of challengers shall be certified in all respects  
24 as challengers at regular elections, except as otherwise provided in this section. The  
25 challengers shall be registered voters of the county in which the primary is held and  
26 shall be subject to the same penalties and possess the same rights and privileges as  
27 challengers at regular elections, except that the challengers of one political party

1 shall not be entitled to challenge persons who offer to vote for candidates of any  
 2 other party in the primary. The provisions of this section shall be enforceable  
 3 against the chair of the political party committees by a mandatory summary  
 4 proceeding instituted in the Circuit Court. The order of the court may be reviewed  
 5 by the Court of Appeals as provided for the granting or dissolving of temporary  
 6 injunctions.

7 (2) Any school board candidate, any independent ticket or candidate for city office, any  
 8 nonpartisan city candidate, or candidate for an office of the Court of Justice at the  
 9 primary or regular election may designate not more than one (1) challenger to be  
 10 present at and witness the holding of primaries or elections in each precinct in the  
 11 county. A candidate who designates a challenger shall present the county clerk with  
 12 the name of the challenger at least twenty (20) days preceding the primary or regular  
 13 election. The challenger shall be entitled to stay in the room or at the door. The  
 14 challenger shall be a registered voter of the county in which the primary or election  
 15 is held, shall be appointed in writing by the chair of the committee, independent  
 16 candidate, or candidates representing a ticket, and shall produce written  
 17 appointment on demand of any election officer.

18 (3) The county executive committee of any political party having a ticket to elect at any  
 19 regular or special election may designate not more than two (2) challengers to be  
 20 present at and witness the holding of the election in each precinct in the county. The  
 21 challengers shall be entitled to stay in the room or at the door. The challengers shall  
 22 be registered voters of the county in which the election is held, shall be appointed in  
 23 writing signed by the chair of the committee, and shall produce written  
 24 appointments on demand of any election officer. The committee or chair shall  
 25 present the county clerk with a list of designated challengers at least twenty (20)  
 26 days preceding a regular election and at least fifteen (15) days preceding a special  
 27 election.

- 1 (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday  
 2 preceding an election at which constitutional amendments or other public questions  
 3 are to be submitted to the vote of the people, any committee that in good faith  
 4 advocates or opposes an amendment or public question may file a petition with the  
 5 clerk of the county asking that the petitioners be recognized as the committee  
 6 entitled to nominate~~[-inspectors and]~~ challengers to serve at the election at which  
 7 the constitutional amendment or public question is to be voted on. If more than one  
 8 (1) committee alleging itself to advocate or oppose the same amendment file such a  
 9 petition, the county board of elections shall decide, and announce by certified mail,  
 10 return receipt requested, to each committee not less than the third Tuesday  
 11 preceding the election, which committee is entitled to nominate the challengers~~[-and~~  
 12 ~~inspectors]~~. The decision shall not be final, but any aggrieved party may institute  
 13 proceedings with the county judge/executive and, upon hearing, the county  
 14 judge/executive shall determine which of the committees shall be recognized as the  
 15 one to select ~~[-inspectors and]~~ challengers at the election.
- 16 (5) The committee shall file the names of the persons nominated by it with the clerk of  
 17 the county at least twenty (20) days before the **primary and regular elections and**  
 18 **not less than fifteen (15) days preceding the date of a special** election. The county  
 19 board of elections shall, not later than the Thursday preceding the election, certify  
 20 the nominees of the committee for the respective precincts to serve as challengers  
 21 ~~[-and inspectors-]~~ at the election where any constitutional amendment or public  
 22 question is to be voted upon. If more than one (1) amendment or question is to be  
 23 voted upon, the county board of elections may designate, on the petition of the  
 24 committee, ~~[-one (1) person for each amendment and question to serve as inspector~~  
 25 ~~at the election and]~~ one (1) person for each amendment and question to serve as  
 26 challenger at the election.
- 27 (6) The challengers ~~[-and inspectors-]~~ shall perform their duties in the same manner and

1 be subject to the same privileges as other ~~[inspectors and]~~ challengers at an election.

2 ➔Section 11. KRS 117.355 is amended to read as follows:

- 3 (1) Within three (3) days after any primary or general election, the precinct election  
4 sheriff shall file a report with the chairman of the county board of elections and with  
5 the local grand jury. The report shall include any irregularities observed and any  
6 recommendations for improving the election process.
- 7 (2) Within ten (10) days after any primary or general election, the county board of  
8 elections shall file a report with the State Board of Elections and the local grand  
9 jury. The report shall include any irregularities of which the county board has  
10 knowledge and any recommendations for improving the election process. The report  
11 shall also include a breakdown by precinct of the number of voters requiring  
12 assistance to vote and the reasons therefor; the number of special ballots cast by  
13 category; and any other information required by the state board.
- 14 (3) Within thirty (30) days after any primary or general election, the county board of  
15 elections shall transmit the information required by KRS 117.275(4) to (7).
- 16 (4) The State Board of Elections shall issue administrative regulations to prescribe the  
17 forms required by this section.

18 ➔Section 12. KRS 118.425 is amended to read as follows:

- 19 (1) The State Board of Elections shall issue certificates of election where the successful  
20 candidate was voted for by the state at large, was voted for by a district greater than  
21 one (1) county, or was a candidate for member of Congress or the General  
22 Assembly.
- 23 (2) Except as provided in subsection (3) of this section, not later than the second  
24 Monday after the election, the county board of elections shall issue certificates of  
25 election where the successful candidate was voted for by the electors of one (1)  
26 county, or of a district less than one (1) county, except members of Congress,  
27 members of the General Assembly, and designated officers filing with the Secretary

1 of State. The right to contest or recount an election in accordance with KRS Chapter  
2 120 shall not be impaired. The county board of elections of the candidate's  
3 residence shall issue certificates of election where the successful candidate was  
4 voted for by the electors of a city whose boundaries extend beyond those of a single  
5 county. The board shall forward the certificate to the elected candidate. If the board  
6 finds that two (2) or more candidates have received the highest and equal number of  
7 votes for the same office, the board shall determine by lot which of the candidates is  
8 elected.

9 (3) In counties containing cities of the first class, not later than the thirtieth day of  
10 December after the election, the county board of elections shall issue certificates of  
11 election where the successful candidate was voted for by the electors of the county,  
12 except members of Congress, members of the General Assembly, and designated  
13 officers filing with the Secretary of State. The right to contest or recount an election  
14 in accordance with KRS Chapter 120 shall not be impaired. The county board of  
15 elections of the candidate's residence shall issue certificates of election where the  
16 successful candidate was voted for by the electors of a city whose boundaries  
17 extend beyond those of a single county. The board shall forward the certificate to  
18 the elected candidate. If the board finds that two (2) or more candidates have  
19 received the highest and equal number of votes for the same office, the board shall  
20 determine by lot which of the candidates is elected.

21 (4) In the case of all offices voted for, and in the case of public questions submitted to  
22 the vote of the people of the state at large or of a district greater than one (1) county,  
23 the county board of elections shall make out duplicate certificates of the total  
24 number of votes received by each of the candidates for the office and the total  
25 number of votes for and against each of the questions on a form prescribed by the  
26 State Board of Elections through the promulgation of administrative regulations in  
27 accordance with KRS Chapter 13A. The certificate of the total number of votes



1 shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing  
 2 time, on the Friday following the election. For special elections the certificate of the  
 3 total number of votes shall be certified to the Secretary of State's Office not later  
 4 than 12 p.m., prevailing time, on the day following the election. The clerk shall  
 5 keep one (1) of the certificates in his or her office. He or she shall not later than  
 6 three (3) days after receiving the certificate from the board, forward the other  
 7 certificate by mail to the Secretary of State who shall deliver it to the State Board of  
 8 Elections.

9 (5) The State Board of Elections shall meet, to count and tabulate the votes received by  
 10 the different candidates as certified to the Secretary of State no later than~~on~~ the  
 11 third Monday after the election. The right to contest or recount an election in  
 12 accordance with KRS Chapter 120 shall not be impaired. A majority of the  
 13 members of the board shall constitute a quorum and may act. The board shall make  
 14 out the certificates of election in the office of the board from the returns made. The  
 15 board shall make out duplicate certificates of election, in writing, over the  
 16 signatures of its members. The board shall forward the original certificate, by mail,  
 17 to the elected candidate. The duplicate shall be retained in the office of the board. In  
 18 the case of the election of a representative in Congress, an additional certificate  
 19 shall be made and sent, by mail, to the clerk of the House of Representatives.


20 (6) The certificate of election shall be issued to the candidate receiving the highest  
 21 number of votes in the territory from which the election is to be made. If two (2) or  
 22 more persons are found to have received the highest and an equal number of votes  
 23 for the same office, the election shall be determined by lot in the manner the board  
 24 directs, in the presence of not less than three (3) other persons. In the case of  
 25 elections for electors of President and Vice President of the United States, the board  
 26 shall issue a certificate of election to each elector of the political party or  
 27 organization whose candidates for President and Vice President received the highest

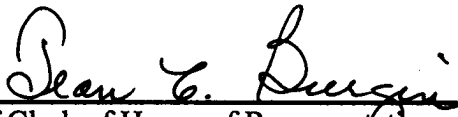
1        number of votes and the determination by the board that the candidates of any  
2        political party or organization for President and Vice President have received the  
3        highest number of votes shall constitute a determination that the electors nominated  
4        by that party have been elected.

5        ➔Section 13. The following KRS section is repealed:

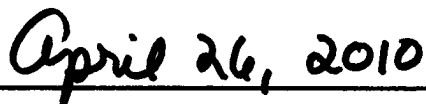
6        117.285 Form of return sheets and statement -- Delivery.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_  
April 26, 2010